

Action/ #3
J 10.7.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Raulet et al.

Serial No. 09/871,491

Filed: May 31, 2001

For: *Tumor Therapy*

Group Art Unit: 1642

Examiner: Harris, Alana

Attorney Docket No. B01-088- **GROUP 1600****FAX RECEIVED**

OCT 02 2002

CERTIFICATE OF TRANSMISSION

I hereby certify that this corr is being transmitted by facsimile to the Comm for Patents at (203) 308-4315 on October 1, 2002.

Signature

Richard Aron Osman

RESPONSE TO RESTRICTION REQUIREMENTThe Commissioner for Patents
Washington, DC 20231


Dear Examiner Harris:

In response to the Restriction Requirement mailed September 25, 2002, Applicants elect group II with traverse.

Groups I and II are directed to the same invention, wherein a multivalent NKG2D-binding agent is administered. They differ only in particularly recited species of the binding agents. Group III is again directed to the same invention: it differs from Groups I and II only in that the targeted host is determined to be predisposed to harboring a tumor. The method steps are all the same in all the groups.

The restriction is falsely premised. Groups I and II do not require different products for implementation. They both require a multivalent NKG2D-binding agent and differ only in the species selected. Group III does not read on diagnosis - it defines a method for inhibiting tumor growth exactly as do Groups I and II.

We petition for and authorize charging our Deposit Account No. 19-0750 all necessary extensions of time. The Commissioner is authorized to charge any fees or credit any overcharges relating to this communication to our Dep. Acct. No. 19-0750 (order B01-088-1).

Respectfully submitted,
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